

In the United States District Court
For the District of Delaware

Charles F. Cardone,
Plaintiff,

v.

Warden Thomas Carroll,
DOC-DCC, Del. Classification Board,
Anthony J. Rendina, et al.
Defendants

C.A. 1:06-cv-646 KAT

Trial by Jury
Demanded

Motion to the Court, by Plaintiff, To reconsider
the Court's December 6, 2006 Dismissal Without Pre-
judice.

The Plaintiff states the following:



1. The plaintiff Charles F. Cardone, SBI # C98159, a pro se litigant who is presently incarcerated, has filed this action pursuant to 42 U.S.C. § 1983 without prepayment of the filing fee and a request to proceed in forma pauperis.

2. Pursuant to 28 U.S.C. § 1915(b), the plaintiff shall be assessed the filing fee of \$250.00, not the \$350.00 filing fee as stated in Judge Jordan's Oct. - 26, 2006 Order.

3. That the plaintiff, soon after he received this Court's Order of Oct. 26, 2006, submitted his request to DCC's Business Office for a certified copy of his prison trust account statement, which, to

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without prejudice of C.A. NO. 06-646 KAT...

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— This date has not been processed.

4. That plaintiff will submit a second consecutive request to DCC's Business Office for a certified copy of his prison trust account statement.

5. Plaintiff, upon receipt of trust account statement from the Business Office, shall submit it to the Court for re-consideration for the Plaintiff to proceed in forma pauperis.

Plaintiff prays this Court grants this motion to Re-consider dismissal upon receipt of plaintiff's prison trust account statement.

Charles F. Cardone, pro se
SBI #098159-DCC
Bldg. (18) BL12
1181 Paddock Road
Smyrna DE 19977

Dated: December 19, 2006

IM Charles F. Cantore
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